

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)
Manfred Blumberg, et al.) Examiner: Charles R. Kasenge
)
Title: NEUTRAL DATA COMPUTER) Group Art Unit: 2121
CONTROL SYSTEM FOR A)
MACHINE TOOL USED TO)
PRODUCE WORKPIECES WITH)
A THREADED SURFACE AND)
ASSOCIATED MACHINE TOOL) Confirmation No.: 8923
)
Serial No.: 10/575,532) Our Docket No.: 7701-0001WOUS
Filed: April 12, 2006)

Hartford, Connecticut, April 29, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST MADE UNDER 37 CFR 1.705(b)
FOR REVISION OF PATENT TERM ADJUSTMENT**

The present request is made in response to the Notice of Allowance issued in this case March 12, 2010, wherein a Patent Term Adjustment of 155 days was offered.

Pursuant to 37 CFR 1.705(b)(2)(i), Applicants respectfully submit that the Patent Term Adjustment offered by the USPTO is in error, and respectfully request that a corrected patent term adjustment of **490 days** be set.

Pursuant to 37 CFR 1.705(b)(2)(ii), Applicants submit herewith a spreadsheet of relevant dates and days elapsed in support of the above request. Said spreadsheet, hereby incorporated herein by reference, sets forth the actual filing date, and date of acceptance under 35 U.S.C. § 371, of the instant patent (April 12, 2006); the 14-month deadline for a first action, request, or requirement (June 12, 2007), as well as the actual date of the first action in this case (March 31, 2008), for a subtotal of 293 days adjustment owed under 35 USC § 154(b)(1)(A); and the 3-year guarantee for allowance of this case (April 12, 2009), as well as the actual date of the notice of allowance (March 12, 2010), for a second subtotal of

334 days adjustment owed under 35 USC § 154(b)(1)(B). Applicants respectfully submit that no RCE was filed in this case to limit the total upward patent term adjustment of 627 days owed under 35 USC § 154(b)(1) and 37 CFR 1.703.

Pursuant to 37 CFR 1.705(b)(2)(iii), Applicants acknowledge the present patent is subject to a Terminal Disclaimer over continuation application 11/483,275, which has not yet issued. Taking into account appropriate calculation of Patent Term Adjustment in the '275 application, the statutory term of a patent, if granted this day on the '275 application, would extend to May 15, 2027. However, Applicants respectfully submit that a Terminal Disclaimer, relative to a not-yet-issued patent, should not be applied to limit the calculation of Patent Term Adjustment in the instant case. Such limitation would be in error, inasmuch as the term of any patent to be granted on the '275 application is uncertain, and merely grows longer with each day of further delay by the Patent Office in that case.

Pursuant to 37 CFR 1.705(b)(2)(iv)(a), said spreadsheet further sets forth the dates of Office Actions and Responses for calculating Applicants' delays under 35 USC § 154(b)(2) and 37 CFR 1.704. To wit, Applicants incorporate a deduction of 137 days (including extensions of time and time to supplement an allegedly incomplete response) from the total upward adjustment of 627 days. Thus, net of Applicants' delays, the Patent Office owes an upward Patent Term Adjustment of 490 days under 35 USC § 154 and 37 CFR 1.705.

Applicants' Representatives hereby authorize payment, from our Deposit Account 13-0235, of the appropriate fee under 37 CFR 1.18(e).

Respectfully submitted,

By: / Alan T. Harrison /
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